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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,045	08/06/2001	David E. Richardson	10990318-2	1209

7590 06/28/2004

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EXAMINER	
HAILU, TADESSE	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/923,045	RICHARDSON, DAVID E.	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the patent application number 09/923,045 filed on August 6, 2001.

Priority

2. The present patent application is a continuation of application No 09/523,387, filed on March 10, 2000, now patented, 6,271,845, which is a continuation-in-part of application No. 09/087,338, filled on May 29, 1998, now patented, 6,054,987.

Status of the claims

3. During the preliminary amendment, the applicant canceled claims 1-22. The new pending claims, claims 23-40 are examined herein as follows.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 23-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 recites the limitation "the selection" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 23 through 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Dev et al (US Pat No 6,374,293).

The present invention relates generally to network management, and more particularly to monitoring health problems of network devices and services of a managed network environment. Furthermore it is directed to not only to indicate the occurrence of a critical event, but to also be able to quickly and readily ascertain the exact nature of that critical event. Likewise, Dev, the prior art of record, is directed to do the same (Abstract). Consequently Dev anticipates the claimed subject matter of the present invention.

With regard to claim 23:

Dev discloses a system configured (abstract) to enable an administrator of managed network (network being managed, Fig. 1, #12) to categorize network objects into hierarchical arrangement (Abstract, Fig. 1, #12) of group views (multiple views,

including location views, topological views and generic views, of the network (Abstract, column 12, lines 22-31), each group view having an associated display of at least one member icon (see for example Figs. 7A-7C show example of location display view and Figs. 8A and 8B show example of topological display view, wherein all views includes at least one device icon, column 12, lines 32-38, 64-67). For example Selecting of one of the icons (for example troubled icon, red indicator) faulty in Fig.7A causes a display of the next lower level location view (Fig. 7B) (column 39-56).

With regard to claim 24:

Dev further discloses an operational ("health") status of each network object (device and service) is identified by the display of a health status indicator. For example green icon may indicate a normal status, whereas red may indicate a fault or troubled status (column 12, lines 44-46).

With regard to claim 25:

Again, Dev discloses an alteration to the display of the icons (i.e. displaying icon in different color) representing the associated network object (for example, as illustrated in Fig. 9, a background area 414 for representing the status of the network device by different colors is shown) and the group views (for example one of the location icons, such as 306, Fig. 7A may be shown in red) that contain the associated network object (column 12, lines 39-46).

With regard to claim 26:

Dev, again, discloses alteration of said display to include color of the icon, wherein a background area 414 (Fig. 9) is applied to representing the status of the network device by different colors (column 14, lines 13-24).

With regard to claim 27:

Dev further discloses that the network object includes among other things one or more of the group consisting of network devices (such as pc, hub, bridge, etc, Fig. 7C) and network services (such as e-mail application column 11, lines 48-59). Dev also describes managing both hardware and software faults.

With regard to claim 28:

Dev also discloses the network objects that are grouped in a group view share at least one attribute value that define the group view. For example as illustrated in Fig. 3, a structure of models and the relationship between models (network entities) are shown, wherein each models contain relation or shares at least one attribute value that characterize the group view (see Fig. 3, column 6, lines 34-47).

With regard to claim 29:

Dev further discloses monitoring one or more health characteristics of each network object, wherein said one or more health characteristics determine a health status of each network object represented by the health status indicator (column 12, lines 39-46).

With regard to claim 30:

Dev further discloses that the health characteristics for each network object of a group view are stored in a health characteristic configuration file associated with each

group view. For example such characteristic includes among other events, alarms and statistical information from the virtual network are stored in a database and are selectively displayed for the user (column 2, lines 54-67). The virtual network machine 12 is associated with a database manager 16, which manages the storage and retrieval of disk-based data. Such data includes configuration data, an event log, statistics, history and current state information (column 3, lines 43-51).

With regard to claim 31:

Dev discloses determining the operational status (health characteristics) of each network object by monitoring and comparing the performance data with the preset value. To accomplish this task Dev discloses a function called a model *watch*, an attribute in one model is monitored or watched by one or more other models. A change in the watched attribute may trigger inference handlers in the watching models (column 7, lines 27-35). The *watch* includes a parameter that specifies the severity level of the *watch*. A change in model attribute data must be equal to or greater than the severity level set within the model before the icon manager receives notification of a change in attribute data (column 13, lines 51-67). When attributes data within the virtual network changes, the icon manager is notified of the change and modifies the icon appearance to reflect the new state (poor health condition), the new statistics or appropriate error condition. Thus the icon manager displays data (status data) from the virtual machine model, which it represents (column 13, lines 32-44).

With regard to claim 32:

Dev discloses a network management system that includes a user interface, a virtual network and a device communication manager. The system performs a fault isolation technique wherein the fault status of a network device is suppressed when it is determined that the device is not defective (Abstract). Dev further discloses User displays that include hierarchical location views and topological views of the network configuration (Abstract). Network devices are represented on the displays by multifunction icons, which permit the user to select additional displays showing detailed information regarding different aspects of the corresponding network device (Abstract).

Dev further discloses displaying an indicator (for example red icon 306) of operational status ("health status") of a network object (Fig. 7A, 306, column 12, lines 39-56), wherein the indicator is displayed in association with a currently displayed icon representing the network object and any current displayed group view 300 (location display view, Fig. 7A-7C) container icons (location icons 302) representing groups containing the network object (multifunction icons 320 and 322, Fig. 7C).

Dev further discloses receiving a user interface command (for example, clicking on icon 306) results in group view or map 310 (Fig. 7B) (column 12, lines 39-56).

Dev further discloses that in response to clicking one of the icons 312 shown in Fig. 7b, a location view of a single room 318 is displayed as shown in Fig. 7C, in this case network devices contained within a computer lab are represented by multifunction icons, 320, and 322, wherein each multifunction icon includes among other things a background area 414 (Fig. 9) for representing the status of the network device by different colors 416 (column 14, 13-24).

With regard to claim 33:

As illustrated in Figs. 7A-7C, user traverses from a higher hierarchy to a lower one, that is from a map (Fig. 7A) location of network devices toward to floor location and lastly to the last hierarchy, the network devices themselves. The system performs a fault isolation technique wherein the fault status of a network device is suppressed when it is determined that the device is not defective. In order to determine the device at fault, the user traverse through hierarchy of views displays repeatedly till reaches the device at fault (Abstract).

With regard to claim 34:

Dev further discloses defining one or more operational characteristics for each network object, each operation characteristics contributing to an operational status of the network object (column 12,lines 39-46), wherein each displayed icon (for example, Fig. 7A) are shown with either normal (green) status or fault (red) status (icon 306).

Dev also discloses monitoring the one or more operational characteristics for each network object. To accomplish the task of monitoring a device, Dev discloses a function called a model *watch,* an attribute in one model is monitored or watched by one or more other models (column 13, lines 51-67).

Again, Dev discloses determining the operational status (health characteristics) of each network object by monitoring and comparing the performance data with the preset value. To accomplish this task Dev discloses a function called a model *watch,* an attribute in one model is monitored or watched by one or more other models. A change in the watched attribute may trigger inference handlers in the watching models

(column 7, lines 27-35). The *watch* includes a parameter that specifies the severity level of the *watch*. A change in model attribute data must be equal to or greater than the severity level set within the model before the icon manager receives notification of a change in attribute data (column 13, lines 51-67). When attributes data within the virtual network changes, the icon manager is notified of the change and modifies the icon appearance to reflect the new state (poor health condition), the new statistics or appropriate error condition. Thus the icon manager displays data (status data) from the virtual machine model, which it represents (column 13, lines 32-44).

With regard to claim 35:

Dev also discloses that the virtual network machine 12 is associated with a database manager 16 which manages the storage and retrieval of disk-based data, such data includes configuration data, an event log, statistics, history and current state information (column 3, lines 47-51).

With regard to claim 36:

As illustrated in Figs. 3 and 10, Dev also discloses that each model (group view) is defined by a plurality of attribute value.

With regard to claim 37:

Dev further discloses a memory flag that indicates the attribute is stored in memory (configuration file), and Dev also discloses a database flag that indicates the attribute is maintained n the database of the virtual machine (column 5, lines 60-67).

With regard to claim 38:

Dev also discloses that the user can dynamically change one or more group views of the plurality of group views by changing on or more group view attributes of the plurality of group view attributes. Dev also discloses a view personality module 20 connected to the user interface 10 contains a collection of data modules which permit the user interface to provide different views of the network (column 3, lines 66-column 4, lines 20). Furthermore, the models (network entities) represent not only the configuration of the network, but also represent its status on a dynamic basis, Dev also discloses updating one or more attributes in the model of the network changes the map or view of the virtual network (column 6, lines 48-66).

With regard to claim 39:

Dev further discloses that the operational characteristics (health characteristics) provide information about he operational (health) of network object and can include network utilization (column 14, lines 39-56, Fig. 10).

With regard to claim 40:

Dev further discloses that the map (group view) (Fig. 7A) status indicator is a color of an icon of the group view (Fig. 7A, column 12, lines 39-46).

Conclusion

6. Applicant, in his Remark section, incorrectly puts the pending claim to 23 through 42. This is incorrect. The numbers of claims submitted or filled are 23 through 40.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-

2799. The Examiner can normally be reached on M-F from 10:00 - 8:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

June 17, 2004